

THE HONORABLE BARBARA J. ROTHSTEIN

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

FIDEL ZELEKE,

Plaintiff,

vs.

SP PLUS CORPORATION,

Defendant.

NO. 2:19-CV-00938-BJR

**STIPULATED MOTION AND  
ORDER TO STRIKE PLAINTIFF'S  
JURY DEMAND**

**STIPULATION**

The parties, Plaintiff Fidel Zeleke and Defendant SP Plus Corporation ("SP Plus") by and through their respective counsel, respectfully and jointly move the Court for an Order striking Plaintiff Fidel Zeleke's Jury Demand filed on September 12, 2019, based on the following reasons:

1. On February 22, 2019, Mr. Zeleke filed this civil action in King County Superior Court on February 22, 2019. Dkt. 1-1 at 4. The Complaint did not contain a jury demand. SP Plus was served on May 21, 2019. On June 11, 2019, SP Plus filed its Answer to the Complaint. Dkt. 9-1 at 2. On June 17, 2019, SP Plus removed this action to this Court based on subject matter jurisdiction and served Mr. Zeleke with Notice of Removal by mail. Dkt. 1.

2. On June 18, 2019, The Clerk of Court issued a letter to the parties that stated: "Your attention is directed to the provisions of Rule 38(b) and 81(c) of the Federal Rules of Civil Procedure, pertaining to the filing of demands for trial by Jury in Federal Court." Dkt. 2.

STIPULATED MOTION FOR ORDER TO STRIKE  
PLAINTIFF'S JURY DEMAND – PAGE 1  
(No. 2:19-CV-00938-BJR)

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1 Under Civil Rules 38 and 81, Mr. Zeleke's jury demand deadline was July 5, 2019. He filed the  
2 demand on September 12, 2019.

3 4. On September 12, 2019, the parties filed a Joint Status Report and Discovery  
4 Plan. Dkt. 14. SP Plus noted in the Joint Status Report that Mr. Zeleke's demand for a jury was  
5 untimely filed and that it would be filing a motion to strike.

6 5. The parties have since conferred and agree that the Jury Demand should be  
7 stricken.

8 IT IS SO STIPULATED THROUGH COUNSEL OF RECORD.

9 DATED this 29<sup>th</sup> day of January 2020.

10 **GORDON REES SCULLY MANSUKHANI, LLP**

**LAW OFFICE OF RODNEY MOODY**

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STIPULATED MOTION FOR ORDER TO STRIKE  
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**ORDER**

PURSUANT TO THE STIPULATION ABOVE, IT IS HEREBY ORDERED,  
ADJUDGED AND DECREED that Plaintiff's Jury Demand is stricken.

DATED this 14th day of May, 2020.



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THE HONORABLE BARBARA J. ROTHSTEIN  
United States District Court Judge